

SUPREME COURT OF VICTORIA



NOTICE TO GROUP MEMBERS:

GRAINCORP CLASS ACTION

KEVIN CARLING GREEN

v

GRAINORP OILSEEDS PTY LTD

(S ECI 2021 04524)

IMPORTANT NOTICE

**GROUP MEMBERS WHO WISH TO RECEIVE RELIEF, INCLUDING
MONETARY COMPENSATION, FROM ANY SETTLEMENT REACHED PRIOR
TO 6 OCTOBER 2025 SHOULD REGISTER
BEFORE 4.00PM AEST ON FRIDAY, 27 JUNE 2025**

THIS NOTICE IS SENT BY ORDER OF THE SUPREME COURT OF VICTORIA.

IT IS IMPORTANT THAT YOU READ THIS NOTICE CAREFULLY BECAUSE IT
MAY AFFECT YOUR LEGAL RIGHTS.

WHAT IS THIS NOTICE?

1. This Notice applies to you if you:

(a) are or were the owner or occupier of land in Numurkah, Victoria, within one kilometre of the GrainCorp Factory any time after 1 January 2017; and

(b) consider that you have suffered loss or damage as a consequence of offensive odours and/or noise emitted by GrainCorp from the GrainCorp Factory and caused by GrainCorp's operations to manufacture oilseed at the GrainCorp Factory; and/or

(c) consider that you have suffered loss or damage as a consequence of offensive odours and/or noise emitted by GrainCorp from the GrainCorp Factory and/or that your interests have been affected by a breach of the general environmental duty in section 25 of the *Environment Protection Act 2017* (Vic), making you an "eligible person" within the meaning of section 308 of that Act,

where "loss or damage" means a "capital loss" (being a diminution in the value of your interest in your land) or "amenity loss" (which is a loss of acoustic and/or olfactory amenity value, including sleep disturbance, distress, inconvenience, annoyance and upset).

2. If you believe you may be a Group Member because you meet the above description, you should read this Notice carefully as it may affect your rights. If there is anything in this Notice that you do not understand, or if you are unsure whether you are a Group Member, you should contact DST Legal or seek your own legal advice immediately.

3. This is the second Court-ordered Notice in the GrainCorp Class Action. The first Notice was distributed in April 2025. It provided information about the GrainCorp Class Action and set a deadline of 16 May 2025 for 'opting out' of the GrainCorp Class Action.

4. Any person who is a Group Member, who has not opted out of the GrainCorp Class Action and who wishes to claim compensation from any settlement of the class action and obtain the benefit of any order which restricts or restrains the operation of the GrainCorp Factory, should register their claims according to the procedure described in this Notice.

5. A failure to register a claim by the deadline may have serious consequences. If a settlement is reached in the GrainCorp Class Action and approved by the Court, unless the Court otherwise orders, you will not be permitted to claim compensation from any settlement amount and you will lose the right to separately sue GrainCorp in connection with your capital loss or amenity loss and as an eligible person under

section 25 of the *Environment Protection Act 2017* whose interests have been affected by GrainCorp.

6. There is a deadline of 27 JUNE 2025 to register a claim to partake in any settlement of the GrainCorp Class Action reached prior to 6 October 2025.

WHAT HAPPENS IF I DON'T REGISTER?

7. If you do not register your claim by the deadline of 4.00 pm on 27 June 2025 and there is a settlement of the GrainCorp Class Action which is approved by the Court, unless the Court otherwise orders, you will **not** be permitted to claim a share of any settlement amount as compensation for your capital loss or amenity loss. Only Group Members who have registered will be permitted to claim compensation from a settlement amount.

8. If a settlement is proposed, notices like this one will be published. You will have an opportunity to oppose the settlement. But if the settlement is ultimately approved by the Court, unless the Court otherwise orders, **you will be bound by the settlement, and you will not be able to start your own legal proceedings against GrainCorp in relation to your capital loss or amenity loss or your interests being affected.**

9. If there is no settlement and the GrainCorp Class Action proceeds to a trial and a successful judgment in favour of the Group Members, you will be able to share in the proceeds of any judgment sum or benefit from any order which restricts or restrains the operation of the GrainCorp Factory whether you are registered or unregistered.

HOW DO I REGISTER?

10. If you are a Group Member who has not opted out of the GrainCorp Class Action and you wish to participate in any settlement reached before 6 October 2025 (being the day before the first day of the trial of the GrainCorp Class Action), you must register by no later than **4.00 pm 27 June 2025** by completing the Claimant Registration Form found at Schedule 1 at the end of this Notice and returning a copy of the completed Claimant Registration Form by post or email to:

DST Legal
24/6 Balwyn Road
Canterbury VIC 3126
dtannock@dstlegal.com.au

11. If more than 1 person in your household is a Group Member, each person must complete and return a separate Claimant Registration Form in order to participate in any settlement reached prior to 6 October 2025. This includes any minors who are Group Members, who may register through their parent or guardian.

MORE INFORMATION

12. You can obtain more information and relevant documents about the GrainCorp Class Action by visiting:

[GrainCorp Group Proceeding \(Class Action\) | The Supreme Court of Victoria](#)

www.dstlegal.com.au

13. If you have any questions, you can contact DST Legal via:

email: dtannock@dstlegal.com.au; telephone: 0437 989 751

14. If you have any questions, please do not contact the Supreme Court of Victoria. The Court Staff are not permitted to give you legal advice.

15. If you have any questions and you do not want to speak to DST Legal, you may get independent legal advice.

Schedule 1 - Claimant Registration Form

If you would like to register, you must complete this form by **4.00 pm 27 June 2025** and return a copy to DST Legal by post or email to:

Post: DST Legal
24/6 Balwyn Road
Canterbury VIC 3126
Email: dtannock@dstlegal.com.au

Details of the Group Member

Full name of Group Member (print):

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Postal address of Group Member:

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Email address of Group Member:

Other details:

Residential address of Group Member's property within 1 kilometre of the GrainCorp Factory (referred to below as "the Property")	
Certificate of title folio and volume number of the Property (if known)	Volume Number(s): Folio Number(s):
Whether the Property is/was owned or occupied by the Group Member	☐ Owned ☐ Occupied ☐ Owned and occupied
Whether the Group Member was the sole owner/occupier of the Property	☐ Sole ownership / occupation ☐ Joint ownership / occupation
Date the Group Member became the owner/occupier of the Property	
Date the Group Member ceased to be the owner/occupier of the Property (if applicable)	
Brief explanation of whether the Group Member alleges that the emission of noise and/or odour from the GrainCorp Factory) has caused:	

• a reduction in the value of the Group Member's property interests (Capital Loss); and/or • the Group Member to suffer or experience sleep disturbance, distress, inconvenience, annoyance, and upset (Amenity Loss), and how the Group Member alleges that he or she has suffered Capital Loss and/or Amenity Loss (including a brief description of the type of loss the Group Member considers they have suffered, general details of how they have suffered that loss and, if possible, the amount of that loss)	
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Details of the person completing this form

Date:	
Name of person signing (print):	
Capacity of person signing (eg. Group Member, or solicitor/guardian/director/executor/power of attorney for Group Member):	
Signature of the person signing:	
Telephone number of the person signing:	